

Trial Section Merits Panel
BOX INTERFERENCE
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36
Paper No. **36**

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

BRIAN SPROAT
and ANGUS LAMOND
(5,658,731),

Junior Party,

v.

PHILLIP D. COOK,
DANIEL P.C. MCGEE, and CHARLES J. GUINOSSO
(07/967,267),

Senior Party.

MAILED

FEB 9 - 2000

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Interference No. 104,235

Before SCHAFFER, LEE, and TORCZON, Administrative Patent Judges.

TORCZON, Administrative Patent Judge.

JUDGMENT

(PURSUANT TO 37 CFR § 1.640)

INTRODUCTION

A motions panel decision dated 7 January 2000 placed Sproat under an order to show cause within twenty-eight days why judgment should not be entered against Sproat (Paper No. 59 at 23). No response is of record.

ORDER

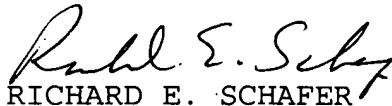
Upon consideration of the record of this interference, it is-

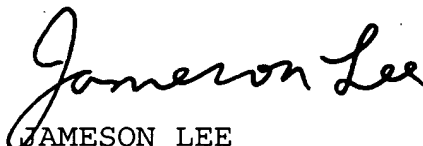
ORDERED that judgment on priority as to the sole count is awarded against junior party Sproat;

FURTHER ORDERED that junior party Sproat is not entitled to a patent containing claims 1-23 of Sproat's 5,658,731 patent, which correspond to the count;

FURTHER ORDERED that, based on the record before us, senior party Cook is entitled to a patent containing claims 9, 10, and 15-27 of Cook's 07/967,267 application, which correspond to the count; and

FURTHER ORDERED that a copy of this decision be given a paper number and be entered in the administrative record of Sproat's 5,658,731 patent and Cook's 07/967,267 application.


RICHARD E. SCHAFER
Administrative Patent Judge


JAMESON LEE
Administrative Patent Judge


RICHARD TORCZON
Administrative Patent Judge

BOARD OF
PATENT
APPEALS AND
INTERFERENCES

Interference No. 104,235
Sproat v. Cook

Paper No. 60
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INTERFERENCE DIGEST

Interference No. 104,235 Paper No. 35
Name, Phillip D. Cook et al.
Serial No. 07/967,267 Patent No. _____
Title, OLIGONUCLEOTIDES CONTAINING 2'-O-MODIFIED PURINES
Filed, 10/27/92
Interference with Sproat et al.

DECISION ON MOTIONS

Examiner-in-Chief, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, ~~_____~~ *Favorable* Dated, *2/9/00*

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.